



General Assembly

January Session, 2005

**Committee Bill No. 5387**

LCO No. 3838

\*03838HB05387JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING IMMUNITY FROM LIABILITY FOR STATE  
MARSHALS WHEN TRANSPORTING PERSONS IN CUSTODY IN  
PRIVATE MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 6-30a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) On and after December 1, 2000, each state marshal shall [be  
4 required to] carry personal liability insurance for damages caused by  
5 reason of such state marshal's tortious acts in not less than the  
6 following amounts: (1) For damages caused to any one person or to the  
7 property of any one person, one hundred thousand dollars; and (2) for  
8 damages caused to more than one person or to the property of more  
9 than one person, three hundred thousand dollars. For the purpose of  
10 this [section] subsection, "tortious act" means negligent acts, errors or  
11 omissions for which [such] a state marshal may become legally  
12 obligated to any damages for false arrest, erroneous service of civil  
13 papers, false imprisonment, malicious prosecution, libel, slander,  
14 defamation of character, violation of property rights or assault and  
15 battery if committed while making or attempting to make an arrest or

16 against a person under arrest, [; provided, it shall] but does not include  
 17 any such act unless committed in the performance of the official duties  
 18 of such state marshal.

19 (b) No state marshal shall be held liable in any civil action for  
 20 recovery of damages for personal injury or injury to property brought  
 21 by, or as a result of the actions of, any person who is lawfully taken  
 22 into custody by the state marshal, pursuant to a capias directed to the  
 23 state marshal, if such injury occurs when such person, while in such  
 24 custody, is transported in a private motor vehicle operated by the state  
 25 marshal. The state shall defend and indemnify the state marshal  
 26 against any claim for such damages. The provisions of this subsection  
 27 do not apply to any such injury caused by the wanton, reckless or  
 28 malicious conduct of the state marshal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	6-30a

**Statement of Purpose:**

To provide immunity from liability for state marshals using private vehicles to transport individuals taken into custody pursuant to a capias.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. CARSON, 108th Dist.; REP. GODFREY, 110th Dist.

H.B. 5387